

SUPREME COURT OF THE STATE OF DELAWARE

White v. State

No. 21, 2021 (Del. May 6, 2021) · No. No. 21, 2021 · Decided May 6, 2021

SUMMARY

The Delaware Supreme Court affirmed the Superior Court's denial of James E. White's motion for sentence review and modification. The Court held that 11 Del. C. § 4221 did not apply because White's sentence exceeded the statute's one-year limitation, and it rejected his constitutional arguments. The Court stated that a Department of Correction application under § 4217 was the proper vehicle for sentence modification based on medical conditions and potential COVID-19 exposure.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	James T. Vaughn, Jr., Justice; Valihura, Justice; Vaughn, Justice; Traynor, Justice
JURISDICTION	Delaware
DECIDED	May 6, 2021
DOCKET	No. 21, 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	White appealed the Superior Court's denial of his motion for sentence review under 11 Del. C. § 4221. The State moved to affirm under the Delaware Supreme Court's summary affirmance procedure.
STANDARD OF REVIEW	The denial of a motion for sentence reduction is reviewed for abuse of discretion; legal questions are reviewed de novo.
PRECEDENTIAL VALUE	published Delaware Supreme Court order
PARTIES	James E. White v. State of Delaware

TOPICS

[sentence modification](#)[sentencing](#)[appellate procedure](#)[criminal procedure](#)[constitutional law](#)

PRACTICE AREAS

[criminal law](#)[appellate procedure](#)[sentencing](#)[constitutional law](#)

QUESTIONS PRESENTED

1. Whether the Superior Court properly denied White's motion for sentence review under 11 Del. C. § 4221.
2. Whether § 4221 authorizes modification of White's PFBPP sentence when that sentence exceeds one year.
3. Whether White's asserted COVID-19 risk established a basis under the Eighth or Fourteenth Amendment for reducing his sentence.
4. Whether an application by DOC under 11 Del. C. § 4217, rather than a defendant's motion under § 4221, is the proper vehicle for sentence modification based on personal health conditions.

HOLDINGS

1. Section 4221 does not apply because it authorizes modification, deferral, suspension, or reduction only of a minimum or mandatory sentence of one year or less, while White's PFBPP sentence exceeds one year.
2. White's constitutional claims did not establish entitlement to sentence reduction because the authorities he cited concerned civil liability of prison officials rather than reduction of a prisoner's sentence.
3. If White's personal health warrants sentence modification in light of COVID-19, an application by DOC under 11 Del. C. § 4217 is the proper vehicle for that relief.

KEY QUOTATIONS

“Section 4221 does not apply to White’s PFBPP sentence because that statute, among other things, only applies to minimum or mandatory sentences of one year or less and the PFBPP sentence exceeds one year.”
(3)

“Should White’s personal health warrant sentence modification in light of COVID-19, an application by DOC under § 4217 is the proper vehicle for such relief.” (3)

FACTUAL BACKGROUND

White pleaded guilty on September 17, 2018, to possession of a firearm by a person prohibited and tampering with evidence. His PFBPP sentence was fifteen years of Level V incarceration, suspended after six years subject to specified program and supervision conditions. White sought sentence relief based in part on his asserted risk of contracting COVID-19 a second time and the adequacy of DOC's protective measures.

PROCEDURAL HISTORY

White pleaded guilty to possession of a firearm by a person prohibited and tampering with evidence and received an aggregate sentence including fifteen years of Level V incarceration for the firearm offense. After several unsuccessful sentence-modification motions and a DOC-requested modification of the program conditions, White filed a December 2020 motion for sentence review under § 4221. The Superior Court denied the motion as time-barred, found that DOC had implemented COVID-19 screening protocols, and concluded that White had not shown entitlement to relief. The Delaware Supreme Court granted the State's motion to affirm.

DISPOSITION

affirmed

CASES CITED

- State v. Culp, 152 A.3d 141, 144 (Del. 2016)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)
- Johnson v. State, 2020 WL 5626231, at *2 (Del. Sept. 18, 2020)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/delaware-supreme-court-of-the-state-of-delaware/2021/white-v-state-eehi5upf>